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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,324

03/23/2004

Jean-Paul In Albon

2004_0418A

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10/02/2006

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EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,324

Applicant(s)

IN ALBON, JEAN-PAUL

Examiner

Jamara A. Franklin

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of the claims of Group II in the reply filed on August 7, 2006 is acknowledged.

Specification

2. There is no brief description of Figure 5 in the specifications (see pages 2-3 of the disclosure).

Appropriate correction is required.

3. It is requested that appropriate headings (e.g. 'Background of the Invention', 'Summary of the Invention', 'Brief Description of Drawings', and 'Detailed Description of the Preferred Embodiments') be included in the disclosure.

Appropriate clarification or correction is required.

Claim Objections

4. Claims 32 and 34-40 are objected to because of the following informalities:
 - in claim 32, line 1, delete "certain";
 - in claim 32, line 5, delete "certain";
 - in claim 32, line 7, substitute "the" with --a--;
 - in claim 34, line 2, substitute "can be" with --is--;

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in claim 35, line 2, substitute “can be” with --is--;

in claim 36, line 2, substitute “the” with --each--;

in claim 36, lines 2-3, substitute “the individual functional units are provided with their own devices” with --each individual functional unit is provided with an individual device--;

in claim 37, line 2, substitute “can be” with --is--;

in claim 38, lines 2-3, substitute “the individual functional units are provided with their own devices” with --each individual functional unit is provided with an individual device--;

in claim 39, lines 2-3, substitute “the individual functional units are provided with their own devices” with --each individual functional unit is provided with an individual device--; and

in claim 40, lines 2-3, substitute “the individual functional units are provided with their own devices” with --each individual functional unit is provided with an individual device--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 32 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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The specifications, as disclosed on page 7, paragraph 4, and the claims do not provide a way as to enable one skilled in the art to which the invention pertains to “display” a number of coils disposed “in” a black box as cited in claim 32. How are these coils displayed? In light of the fact that the coils are claimed to be disposed “in” a black box, is the black box clear or transparent as to allow the coils to be displayed? For examination purposes, “display a number of coils disposed in a black box” will be interpreted as the idea that coils are present and located within the black box.

Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 32-34, 36, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knepler (US 6,479,086) in view of Inoue (US 4,960,983).

Knepler teaches:

device (memory device 136, 136a) for electronic recording of certain data, in particular for individual functional units (funnel 120, 120a), incorporating a transponder chip (memory chip) with firstly a data source and secondly a reader, wherein the device has a communication element disposed in a black box (sealed can) and connected electrically with a control unit (control circuitry 166) and registering certain functional processes and time lapses, and where the

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transponder chip is also integrated into the black box (col. 10, lines 54-56; col. 11, lines 13-16; and col. 12, lines 2-4);

device wherein the transponder chip is in the form of an EEPROM (electrically erasable programmable read-only memory) (col. 10, lines 49-53);

device wherein the data stored on the transponder ship is read off using a reader (col. 12, lines 2-4);

application of the device for a coffee machine displaying a number of functional units, wherein the individual functional units are provided with their own devices connected via cables (ground strip 140) to the control unit and designed in the form of a black box (col. 4, lines 7-9).

Knepler lacks the teaching of a first and second coil.

Inoue teaches a device (IC card 20) incorporating a chip (logic circuit 23) wherein the device has a number of coils isolated from each other, of which a first coil (first electromagnetically inductive coil 24) is connected electrically with a data source and a transponder chip is connected to a second coil (electromagnetically inductive coil 25) which has an electromagnetic effective connection with the first coil (col. 3, lines 46-54).

One of ordinary skill in the art would have readily recognized that providing the device of Knepler with a first and second coil would have been beneficial for having a coil with a specifically designated purpose, thereby preventing the problems which may occur with one coil that has many purposes including total loss of operability of the device. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Knepler with the aforementioned teaching of Inoue to expedite troubleshooting and subsequent repair in the occurrence of device malfunction.

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9. Claims 35, 37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knepler/Inoue as applied to claim 32 above, and further in view of Reihl (US 6,366,742).

The teachings of Knepler/Inoue have been discussed above.

Knepler/Inoue lack the teaching of data stored being deleted and the storage element designed to be overwritten.

Reihl teaches a device wherein data stored is deleted and the storage element is designed to be overwritten (col. 4, lines 13-15).

One of ordinary skill in the art would have readily recognized that providing the Knepler/Inoue invention with the deletion and overwriting feature would have been beneficial since the feature of deleting and overwriting data on a chip would save costs incurred due to having to attain new transponder chips which store newly desired data. Therefore, it would have been obvious, at the time the invention was made, to modify the teaching of Knepler/Inoue with the aforementioned teaching of Reihl to make a device reusable.

10. Claims 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knepler/Inoue as applied to claim 32 above, and further in view of Vaitkus et al. (US 2002/0088816) (hereinafter referred to as 'Vaitkus').

The teachings of Knepler/Inoue have been discussed above.

Knepler/Inoue lack the teaching of a reader of identity cards.

Vaitkus teaches a device further comprising a reader of proximity or insertable identity cards (paragraph 13);

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the device further comprising an authorization identification system for permitting access only to authorized personnel (paragraph 10); and

the device wherein the authorization identification system comprises an identity card reader (paragraph 10).

One of ordinary skill in the art would have readily recognized that providing the Knepler/Inoue invention with a reader for an identity card would have been beneficial for ensuring that loss is not incurred due to unauthorized or fraudulent usage, thereby protecting against unwarranted and unnecessary expenses. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Knepler/Inoue with the aforementioned teaching of Vaitkus to reduce eventually operating costs.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

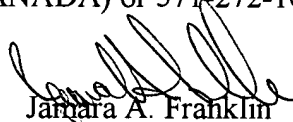
Thomas et al. (US 7.032,818) teach a method and system of setting and/or controlling of a food product dispensing machine using a tag-type communication device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Janara A. Franklin
Examiner
Art Unit 2876

JAF
September 26, 2006